

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA )

v. )

JOSEPH ANTHONY GUTIERREZ )

Cr. No. 2:06-cr-123-MHT

**MOTION TO DECREASE DEFENDANT'S OFFENSE LEVEL**  
**PURSUANT TO § 3E1.1(b), UNITED STATES SENTENCING GUIDELINES**  
**(ACCEPTANCE OF RESPONSIBILITY)**

**COMES NOW** the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and files the above-captioned Motion, and as reasons therefore, submits the following:

1. Defendant qualifies for a reduction in Defendant's sentence pursuant to U.S.S.G § 3E1.1(b) as Defendant assisted authorities in the investigation and prosecution of Defendant's own misconduct by timely notifying authorities of Defendant's intention to enter a plea of guilty, thereby permitting the United States to avoid preparing for trial and permitting the Government and this Court to allocate their resources efficiently.

2. Accordingly, pursuant to U.S.S.G § 3E1.1(b), the United States respectfully moves this Court to reduce the Defendant's offense level by one level. Combined with the two-level reduction applied to Defendant's offense level pursuant to U.S.S.G. § 3E1.1(a), a total reduction of three levels should be applied to Defendant's offense level for Defendant's acceptance of responsibility.

Respectfully submitted this the 22nd day of September, 2006.

LEURA G. CANARY  
UNITED STATES ATTORNEY

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ASB-1613-N77A

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 22, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Kevin Butler, Esquire.

Respectfully submitted,

s/A. Clark Morris  
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